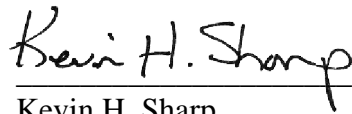


The plaintiff states a viable claim for relief if he can show that the food provided him does not meet the nutritional and caloric requirements for an adult to maintain his health. *See Cunningham v. Jones*, 567 F.2d 653, 656 (6th Cir.1977). In this case, though, the plaintiff alleges simply that his meals are served to him cold rather than hot. He does not suggest that his health has suffered as a result of how his meals have been served to him. Thus, this claim is not actionable. *See McCoy v. Goord*, 255 F. Supp.2d 233 (S.D. N.Y. 2003)(denial of warm food is not, by itself, an Eighth Amendment violation).

A prisoner has no federally protected right to participate in a rehabilitative program. *Hutto v. Finney*, 437 U.S. 678 (1978). As a consequence, it necessarily follows that he also has no right to counselors who can aid in his rehabilitation. Finally, the fact that plaintiff's jailors may or may not enforce the rules of the Jail does not, in and of itself, constitute a violation of his rights.

In the absence of a constitutional violation, the plaintiff has failed to state a claim upon which relief can be granted. Under such circumstances, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.



Kevin H. Sharp
Chief District Judge